

State of Michigan.  
In The Michigan Supreme Court.  
925 W. Ottawa St.  
Lansing, Michigan 48915.  
517-373-0120.

BREACH OF 17<sup>TH</sup> JUDICIAL CIRCUIT PLEA – 07/22/2015.

MCOA CASE NO.: 352572.

APPELLANT'S BRIEF MCR 6.500 et seq.

**BREACH OF 17<sup>TH</sup> CIRCUIT PLEA AGREEMENT** - AT A SESSION HELD IN  
THE 17<sup>TH</sup> JUDICIAL CIRCUIT COURT ON – 07/22/2015. HON.: GEORGE S. BUTH  
P-11479:

IN RE: STACEY R. SMITH (PRO SE IN FORMA PAUPERIS).

M.D.O.C. NO.: 961806.

855 KALAMAZOO AVE SE

02/05/2020:11:10:29AM

GRAND RAPIDS, MICHIGAN 49507.

616-350-5709.

V. MSC CASE NO.: 161058. MOTION TO SEAL SUPREME COURT  
FILE NO.: 161058; MCOA: 352572;  
17<sup>TH</sup> JUDICIAL CIRCUIT COURT. LOWER COURT CASE NO.: 14-11012-FH  
ATTN.: HON.: MARK A. TRUSOCK P-38156. MCR 7.203 (A), (B), (C), 1-6.  
CASE NO.: 20-00224-AS  
180 OTTAWA AVE NW. MOTION FOR EXCEPTIONAL ISSUANCE.  
GRAND RAPIDS, MICHIGAN 49503. MCR 7.215 (F) (2).  
616-632-5220. (EXECUTION & ENFORCEMENT).  
LEAD PROSECUTOR CHRIS R. BECKER P-53752.  
KENT COUNTY PROSECUTOR'S OFFICE.  
SUITE NO.: 450.  
82 IONIA AVE NW.  
GRAND RAPIDS, MICHIGAN 49503.  
616-632-4700.  
DEFENSE COUNSEL JOHN R. BEASON P-43095.  
LAW OFFICES OF ATTORNEY JOHN R. BEASON.  
SUITE NO.: 530.  
15 IONIA AVE NW.  
GRAND RAPIDS, MICHIGAN 49503.  
616-458-3791.

**(BREACH OF 17<sup>TH</sup> PLEA AGREEMENT)** – MOTION TO SEAL APPEALS FILE NO.: 353572 & MSC FILE NO.: 161058 & L.C.: FILE NO.: 14-11012-FH (IN WHOLE).

NOW ENTERS THE PLAINTIFF, IN RE, FOR BREACH OF THE PLEA AGREEMENT SET FORTH IN THE 17<sup>TH</sup> JUDICIAL CIRCUIT COURT FOR THE COUNTY OF KENT; PLAINTIFF, IN RE, HAS SOUGHT RELIEF IN THE FORM OF A MOTION TO SEAL CASE NO'S.: 352572, IN REFERENCE TO LOWER CASE NO.: 14-11012-FH IN THE 17<sup>TH</sup> JUDICIAL CIRCUIT COURT PURSUANT TO MCR 6.500 ET SEQ. FOR RELIEF IN CONJUNCTION TO MCR 7.211 (C) (9) – FOR THE 17<sup>TH</sup> JUDICIAL CIRCUIT COURT, LEAD PROSECUTOR CHRIS R. BECKER, AND DEFENSE COUNSEL JOHN R. BEASON FOR GROSS NEGLIGENCE FOR – BREACH OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT COURT PLEA AGREEMENT.

**SUMMARY.**

In direct summary - To the issues to leave for appeal to The Michigan Court of Appeals with regard to a Motion for Relief From Judgment, is per the order of the Honorable Mark A. Trusock P-38156 Chief Judge of the 17<sup>TH</sup> Judicial Circuit Court in his Opinion and Order – that IN RE: STACEY R. SMITH'S relief, is a Motion for Relief of Judgment, hereby initiated in the Michigan Court of Appeals.

PLAINTIFF, IN RE, believes that the order received by U.S. District Judge Paul Lewis Maloney P-25194 is adopted, in part, to uphold AMENDMENT (V)-5 of the United States Constitution under Fifth Amendment Infringement due to the curtailing of the PLAINTIFF, IN RE'S, personal freedom ultimately upheld by Article 17 of The Michigan Constitution of 1963 which is also compelled to this Honorable Court. U.S. District Judge Paul Lewis Maloney attempted to uphold AMENDMENT (V)-5 through his adoption of Case No.: 1:16-CV-1381 pursuant to 28 U.S.C. 1361 and 1631 therefore being upheld by Article 17 of The Michigan Constitution of 1963. – IN INTERPRETATION.

PLAINTIFF, IN RE, believes that Defense Counsel failed to dismiss the case for lack of evidence, while plaintiff's own testimony, per say, was being used against him in the form of a falsified document discovered only by the PLAINTIFF, IN RE, until 11/14/2016 after reviewing the case. Please refer to EXHIBIT (A) in the file which was comprised of Det. Swiercz's (*falsified*) 62A Affidavit for Probable Cause for Felony Complaint unknown to the Plaintiff, In Re, until said date. PLAINTIFF, IN RE, also

believes that Prosecution and Defense Counsel are in violation of MCR 6.201 (J). Defense Counsel should have dismissed this case in DISTRICT court pursuant to MCR 6.110 (C) and (H) but failed to do so by failing to have a Pre-Trial Conference and WAIVED it. Now this matter is under a **BREACH OF THE PLEA AGREEMENT WITHOUT REMEDY.**

AFFIDAVIT – Shall be the entry of the most recent back ground check from, “GENERAL INFORMATION SERVICES”, as – PROOF OF PUBLISHED REGISTRATION in direct breach of the 17<sup>TH</sup> Judicial Circuit Plea Agreement.

ISSUE II: Without relief being granted this would have to then become an extraordinary circumstance to where Superintending Control could be warranted.

PLAINTIFF, IN RE, believes this to be a transfer to cure want of Superintending Control pursuant to MCR 3.302, OR, UPHOLD Article 17 of the Michigan Constitution of 1963 with regards to AMENDMENT (V)-5 of the U.S. Constitution for infringement.

As of January 29, 2020, PLAINTIFF, IN RE, HAS FILED A MOTION FOR RE-CONSIDERATION for case No.: 20-00224-AS, with a HEARING DATE STILL SET FOR **FEBRUARY 07, 2020 at 2PM** AT THE 17<sup>TH</sup> JUDICIAL CIRCUIT COURT.

If Superintending Control is to be exerted, it is to be upon the 62A JUDICIAL DISTRICT COURT, lower court of The 17<sup>TH</sup> Judicial Circuit Court – **CASE ORIGINATION.**

MCL 600.4401 (1) – SUPERINTENDING CONTROL AGAINST A STATE OFFICIAL, was the basis of the COMPLAINT FOR WRIT OF MANADAMAUS in this proceeding based on the filing with the 6<sup>TH</sup> CIRCUIT COURT OF APPEAL FOR THE UNITED STATES – 17-1022 – **FILED AND AFFIRMED.**

NOLLE PRO SE QUI, AND APPLICATION TO SET ASIDE CONVICTION WITH, THE SCAO FORM FOR A MOTION FOR RELIEF OF JUDGMENT FORM, MOTION TO MODIFY SENTENCING – **ON FILE.**

**A FEDERAL QUESTION:** PURSUANT TO 28 U.S.C. 2403 (a) – If a State Agency is allowed to knowingly accept (FALSIFIED) information or a document which causes (SEFL-INCRIMINATION) to be used in a case which infringes upon a protected right in a criminal case?

PLAINTIFF, IN RE, believes that his rights and certain laws CONTINUE to be infringed upon by the courts THEMSELVES.

The Honorable Mark A. Trusock P-38156 refrained from issuing a Motion and/or Order to Show Cause for Becker and Beason for orchestration of the plea agreement and for NON-COMPLIANCE AND ENFORCEMENT as well.

VIOLATION OF DUE PROCESS RIGHTS – VICTIM INDICATED IN THE WPD POLICE REPORT THAT HE WAS NOT HURT FROM ALLEGED INCIDENT.

MALICE AND COERCION USED BY DET SWIERCZ – DET. SWIERCZ IN THE AFFIDAVIT PLACED ME AT THE DAVID'S HOUSE ON 06/01/2014. WHEN MY FIRST DAY WAS ORIENTATION ON 06/13/2014 PLACING ME AT THE SCENE OF THE CRIME BEFORE I STARTED ON THE FLOOR AT THE DAVID'S HOUSE AND COULD NOT HAVE BEEN EMPLOYED AND ENGAGED WITH THE RESIDENCE AT THAT TIME. (PROOF).

Prosecution and Det. Sweircz in conjunction misconstrued MCL 750. 520 (C) (1) (H). While Dr. Timothy Royer indicated PENETRATION while the 62A AFFIDAVIT FOR PROBABLE CAUSE FOR FELONY COMPLAINT INDICATES TOUCHING – IS INCONSISTENT.

28 U.S.C. 1631 – STIPULATES: VERBATIM; The District Courts shall have (ORIGINAL) jurisdiction in ANY action in the nature of (MANDAMUS)- or what is now called SUPERINTENDING CONTROL, To compel an officer or employee of the United States, IN THE STATE OF MICHIGAN, or (ANY) agency thereof to perform the duty owed to the PLAINTIFF, to the Michigan Supreme Court – (GENERAL JURISDICTION) – In The Michigan Court of Appeals, as AFFIRMED PER CURIAM. (MANDAMUS UT DE FOEDERATUM).

HOWEVER, MCR 6.500 et seq. is the AFFIRMED relief for MCL 600.4401 (1) – SUPERINTENDING CONTROL ON STATE OFFICIALS FOR BREACH OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT PLEA AGREEMENT ALONG WITH THE 17<sup>TH</sup> JUDICIAL CIRCUIT ITSELF – BREACH OF 17<sup>TH</sup> JUDICIAL CIRCUIT PLEA AGREEMENT SET FORTH AT A SESSION HELD ON – 07/22/2015.

Pursuant to MCR 7.215 (F) (2) – under Exceptional Issuance, the PLAINTIFF, IN RE, request under Execution and Enforcement of this rule to be the ORDER of this court. THAT, said appellant no.: 352572 in conjunction with lower court case no: 14-11012-FH of the 17TH Judicial Circuit Court be sealed in accordance to MCR 7.211 (C) (9) of the Michigan Court Rules, upheld by MCR 7.215 (F) (2).

IT IS SO ORDERED: 1<sup>ST</sup>. AFRICAN NATIONAL & CO.

MR. STACEY R SMITH:ELECTRONIC SIGNATURE FOR MSC CASE NO.: 161058.



<b>STATE OF MICHIGAN</b> MSC-VG JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUBPOENA</b> <b>Order to Appear and/or Produce</b>	<b>CASE NO.</b> MSC: 161058. L.C. 14-11012-FH
<b>Court address</b> 925 W. OTTAWA ST LANSING, MICHIGAN 48915		<b>Court telephone no.</b> (517) 373-0120
<b>Police Report No. (if applicable):</b> N/A		
<b>Plaintiff(s)/Petitioner(s)</b> <input checked="" type="checkbox"/> People of the State of Michigan <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> Civil <input checked="" type="checkbox"/> Criminal <input type="checkbox"/> Probate In the matter of _____	v	<b>Defendant(s)/Respondent(s)</b> Mr. Stacey R. Smith (DEF) CHRIS BECKER (RESP) 855 Kalamazoo Ave SE Grand Rapids, Michigan 49507 (616) 350-5709 Charge <b>MCL 750.520F</b>

In the Name of the People of the State of Michigan. TO:

PROSECUTING ATTORNEY 82 IONIA AVE NW GRAND RAPIDS, MICHIGAN 49503. P-53752. CHRISTOPHER R. BECKER.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

**YOU ARE ORDERED TO:**☒ 1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.☒ The court address above ☐ Other:

Day

WED.

Date

04/01/2020

Time

1:30 PM

☐ 2. Testify at trial / examination / hearing.
☒ 3. Produce/permit inspection or copying of the following items: RECORDING AND TRANSCRIPTS AND ALL OTHER EVIDENCE PURSUANT TO ABOVE CASE NUMBER. ALL OTHER EVIDENCE FROM THE PROSECUTOR INCLUDING BUT NOT LIMITED TO ALL MEDIA, CD'S, DVD'S, PAPER DOCUMENTS, TESTIMONY, DEPOSITIONS, AND PROFESSIONAL TESTIMONY. AND RESPONSE FROM THE PROSECUTOR AS TO WHY THE DISCOVERY MOTION WAS IGNORED AND NOT ACKNOWLEDGED DURING THE COURT PROCEEDING. AND RESPONSE TO LINE 7 BY P-34095.
☒ 4. Testify as to your assets, and bring with you the items listed in line 3 above.☐ 5. Testify at deposition.☒ 6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)☒ 7. Other: BREACH OF PLEA AGREEMENT. MOTION TO TRANSFER TO CURE WANT OF JURISDICTION. 1:16-cv-1831.

<input type="checkbox"/> 8. <b>Person requesting subpoena</b> MR. STACEY R. SMITH <b>Address</b> 855 KALAMAZOO AVE SE City State Zip GRAND RAPIDS MICHIGAN 49507	<b>Telephone no.</b> (616) 350-5709
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NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

**FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR TO APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.**



04/01/2020

Date

Judge/Clerk/Attorney

P-53941.

Bar no.

Court use only

☐ Served ☐ Not served

**SUBPOENA****PROOF OF SERVICE**

Case No.

MSC: 161058

**TO PROCESS SERVER:** You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☐ I served a copy of the subpoena, together with \_\_\_\_\_ (including any required fees) by

Attachment

☒ personal service☒ registered or certified mail (copy of return receipt attached)

on:

Name(s)	Complete address(es) of service	Day, date, time
LEAD PROSECUTOR CHRIS BECKER	82 IONIA AVE GRAND RAPIDS, MICHIGAN 49503	04/01/2020
DET. PHILLIP SWIERCZ WPD	2300 DE HOOP AVE WYOMING, MICHIGAN 49509	04/01/2020

☐ I have personally attempted to serve the subpoena and required fees, if any, together with \_\_\_\_\_ on the following person(s) and have been unable to complete service.

Attachment

Name(s)	Complete address(es) of service	Day, date, time

Service fee	Miles traveled	Fee
\$		\$
Incorrect address fee	Miles traveled	Fee
\$		\$
<b>TOTAL FEE</b>		
\$		

Signature

Stacey R. Smith

Name (type or print)

Appellant in pro per

Title

Kent Sherrie Gillespie, Notary Public, Michigan.

Kent County, State of Michigan

Deputy court clerk/Notary public My Commission Expires

January 28, 2023

Subscribed and sworn to before me on 3/11/2020

Date

My commission expires: 01/28/2023

Date

Signature: Sherrie Gillespie

Notary public, State of Michigan, County of Kent

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the subpoena and required fees, if any, together with \_\_\_\_\_

Attachment

on

Day, date, time

on behalf of \_\_\_\_\_

Signature

**AFFIDAVIT FOR JUDGMENT DEBTOR EXAMINATION**

I request that the court issue a subpoena that orders the party named on this form to be examined under oath before a judge concerning the money or property of: \_\_\_\_\_ for the following reasons: \_\_\_\_\_

Signature

Subscribed and sworn to before me on \_\_\_\_\_ County, Michigan.

Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_

Date

Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_



<b>STATE OF MICHIGAN</b> MSC-VG JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUBPOENA</b> <b>Order to Appear and/or Produce</b>	<b>CASE NO.</b> MSC: 161058. L.C.: 14-11012-FH
Court address <b>925 W OTTAWA ST. LANSING, MICHIGAN 48915</b>		Court telephone no. <b>(517) 373-0120</b>
Police Report No. (if applicable): <b>WY1429462</b>		
Plaintiff(s)/Petitioner(s) <input checked="" type="checkbox"/> <b>People of the State of Michigan</b> <input type="checkbox"/> _____ <input checked="" type="checkbox"/> Civil <input checked="" type="checkbox"/> Criminal <input type="checkbox"/> Probate In the matter of _____	v	Defendant(s)/Respondent(s) <b>Mr. Stacey R. Smith (DEF) JOHN R. BEASON (RESP)</b> <b>855 Kalamazoo Ave SE</b> <b>Grand Rapids, Michigan 49507</b> <b>(616) 350-5709</b> Charge <b>MCL 750.520E</b>

In the Name of the People of the State of Michigan. TO:

DEFENSE COUNSEL FOR (DEFENDANT) AVE NW GRAND RAPIDS, MICHIGAN 49503. P-34095. JOHN R. BEASON.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

**YOU ARE ORDERED TO:**

- ☒ 1. Appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.
- ☒ The court address above ☐ Other: \_\_\_\_\_
- |                    |                           |                        |
|--------------------|---------------------------|------------------------|
| Day<br><b>WED.</b> | Date<br><b>04/01/2020</b> | Time<br><b>1:30 PM</b> |
|--------------------|---------------------------|------------------------|
- ☐ 2. Testify at trial / examination / hearing.
- ☒ 3. Produce/permit inspection or copying of the following items: RECORDING AND TRANSCRIPTS AND ALL OTHER EVIDENCE PURSUANT TO ABOVE CASE NUMBER. ALL OTHER EVIDENCE FROM THE PROSECUTOR INCLUDING BUT NOT LIMITED TO ALL MEDIA, CD'S, DVD'S, PAPER DOCUMENTS, TESTIMONY, DEPOSITIONS, AND PROFESSIONAL TESTIMONY. AND RESPONSE FROM THE PROSECUTOR AS TO WHY THE DISCOVERY MOTION WAS IGNORED AND NOT ACKNOWLEDGED DURING THE COURT PROCEEDING. AND RESPONSE TO LINE 7 BY P-34095.
- ☒ 4. Testify as to your assets, and bring with you the items listed in line 3 above.
- ☐ 5. Testify at deposition.
- ☒ 6. Abide by the attached prohibition against transferring or disposing of property. (MCL 600.6104(2), 600.6116, or 600.6119.)
- ☒ 7. Other: BREACH OF PLEA AGREEMENT. MOTION TO TRANSFER TO CURE WANT OF JURISDICTION. 1:16-cv-1831.

<input type="checkbox"/> 8. Person requesting subpoena <b>MR. STACEY R. SMITH</b>	Telephone no. <b>(616) 350-5709</b>
Address <b>855 KALAMAZOO AVE SE</b>	
City <b>GRAND RAPIDS</b>	State <b>MICHIGAN</b>
Zip <b>49507</b>	

**NOTE:** If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

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04/01/2020

Date

Judge/Clerk/Attorney

P-53941.

Bar no.

Court use only

☐ Served ☐ Not served

## SUBPOENA

## PROOF OF SERVICE

Case No.

MSC: 161058.

**TO PROCESS SERVER:** You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

## CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ OFFICER CERTIFICATE

OR

☐ AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☐ I served a copy of the subpoena, together with \_\_\_\_\_ (including any required fees) by

Attachment

☒ personal service☒ registered or certified mail (copy of return receipt attached)

on:

Name(s) JOHN R. BEASON P-34095.	Complete address(es) of service 15 IONIA AVE GRAND RAPIDS, MICHIGAN 49503	Day, date, time 04/01/2020
DET. PHILLIP SWIERCZ WPD	2300 DE HOOP AVE WYOMING, MICHIGAN 49509	04/01/2020

☐ I have personally attempted to serve the subpoena and required fees, if any, together with \_\_\_\_\_ on the following person(s) and have been unable to complete service. Attachment

Name(s)	Complete address(es) of service	Day, date, time

Service fee	Miles traveled	Fee
\$		\$
Incorrect address fee	Miles traveled	Fee
\$		\$
TOTAL FEE		\$

Signature \_\_\_\_\_  
Name (type or print) \_\_\_\_\_  
Title \_\_\_\_\_

Subscribed and sworn to before me on 3/11/2020

Date

My commission expires: 1/28/2023

Date

Signature: \_\_\_\_\_

Deputy court clerk/Notary public

Notary public, State of Michigan, County of Kent

Sherrie Gillespie, Michigan.

Notary Public

Kent County, State of Michigan

My Commission Expires

January 28, 2023

## ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with \_\_\_\_\_ Attachment

on

Day, date, time

on behalf of \_\_\_\_\_

Signature

## AFFIDAVIT FOR JUDGMENT DEBTOR EXAMINATION

I request that the court issue a subpoena that orders the party named on this form to be examined under oath before a judge concerning the money or property of: \_\_\_\_\_ for the following reasons: \_\_\_\_\_

Signature

Subscribed and sworn to before me on \_\_\_\_\_ County, Michigan.

Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_

Date

Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

Approved, SCAO

Original - Court  
1st copy - Subject

2nd copy - Return  
Additional copies as needed  
PROBATE JIS CODE: MOT, OSC

STATE OF MICHIGAN  
JUDICIAL DISTRICT  
17TH JUDICIAL CIRCUIT  
COUNTY PROBATE

MOTION AND/OR ORDER TO  
SHOW CAUSE

CASE NO.

Court address

80 OTTAWA AVE NW GRAND RAPIDS, MICHIGAN 49503

Court telephone no.

(616) 632-5020

Plaintiff(s)/Petitioner(s)

MR. STACEY R. SMITH (APPELLANT).

Defendant(s)/Respondent(s)/Probationer

CHRISTOPHER R. BECKER P- 53752 (APPELLEE).

☐ Probate ☐ Juvenile

In the matter of (BREACH OF PLEA AGREEMENT DATED: 07/22/2015). 17TH CIR.

MOTION AND AFFIDAVIT

I am interested in this matter as MOTION FOR RELIEF OF JUDGMENT. MCR 6.502, MCR 6.503. PLEA BREACH.

LEAD PROSECUTOR CHRISTOPHER R. BECKER.  
Name (type or print)

☒ has failed to comply with an order dated 07/22/2015  
☒ is in contempt for BREACH OF 17TH CIRCUIT PLEA.

State with particularity admissible facts establishing this motion

BREACH OF 17TH CIRCUIT PLEA AGREEMENT 07/22/15 -ORDER VACATING CONVICTION/NEW DISPOSITION.

I request an order directing LEAD PROSECUTOR CHRISTOPHER R. BECKER. to show cause why  
Name (type or print)

- ☒ a. he/she should not be found in ☒ civil ☒ criminal contempt of court.  
☒ b. judgment should not be entered against him/her (as surety/agent) for the full amount of recognizance.  
☐ c. judgment should not be entered against him/her for failure to file a garnishee disclosure.

This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this motion and affidavit.

Subscribed and sworn to before me on 11/6/2020

Signature

Kent

County, Michigan.

My commission expires: 11/23/2025  
Date

Signature:

Tanija K. Brown

Notary public, State of Michigan, County of

TANIJA K. BROWN  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF KENT  
MY COMMISSION EXPIRES 08/23/2025  
Acting in the County of Kent

LEAD PROSECUTOR CHRISTOPHER R. BECKER P-53752  
(BREACH OF PLEA AGREEMENT) - Breach of Agreement  
set forth for (NON-PUBLISHED REGISTRATION) - S.O.R.A.  
AND, EXPARTE REQUEST FOR JUDICIAL REVIEW.

If you require special accommodations to use  
the court because of a disability or if you require  
a foreign language interpreter to help you fully  
participate in court proceedings, please contact  
the court immediately to make arrangements.

IS ORDERED:

You must appear before this court on 02/07/2020 at 2:00 PM at ☒ the court address above ☐ courtroom no. \_\_\_\_\_  
Date Time

☐ 180 OTTAWA AVE NW GRAND RAPIDS MICHIGAN 49503 (COURT ROOM OF HONORABLE J. JOSEPH ROSSI.

to show cause why

- ☒ you should not be held in ☐ civil ☒ criminal contempt  
☒ for failure to comply with the order of this court as follows:  
☒ for the reasons stated in the motion.

☐ a judgment should not be entered against you.

☒ your case should not be dismissed.

☒ other: MOTION TO TRANSFER TO CURE WANT OF JURISDICTION; U.S. DISTRICT JUDGE PAUL L. MALONEY.

Failure to appear for a contempt hearing may result in a bench warrant being issued for your arrest.

A copy of this must be served ☐ personally ☒ by mail on the person ordered to appear at least 21 days before the  
hearing.

07/2020

P-53941.

**PROOF OF SERVICE****MOTION AND/OR ORDER TO  
SHOW CAUSE**

Case No. \_\_\_\_\_

**TO PROCESS SERVER:** You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☒ I served a copy of the motion and/or order to show cause by:

☒ personal service    ☐ first-class mail    on:

Name(s)	Complete address(es) of service	Day, date, time
CHRISTOPHER R. BECKER	KENT COUNTY PROSECUTORS OFFICE. 82 IONIA NW GRAND RAPIDS, MICHIGAN 49503.	

☐ I have personally attempted to serve the motion and/or order to show cause on the following person(s) and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled Fee \$	<b>TOTAL FEE</b> \$	Signature _____
Incorrect address fee \$	Miles traveled Fee \$		Name (type or/print) _____
			Title _____

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of this motion and/or order to show cause on \_\_\_\_\_  
Day, date, time

\_\_\_\_\_ on behalf of \_\_\_\_\_  
Signature

For use by the court clerk only when the show cause proceeding is initiated by the court.

**CERTIFICATE OF MAILING**

I certify that on this date a copy of this motion and/or order to show cause was served on the person ordered to appear by first-class mail addressed to his or her last-known address as defined by MCR 2.107(C)(3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Approved, SCAD

Original - Court  
1st copy - Subject

2nd copy - Return  
Additional copies as needed  
PROBATE JIS CODE MOT, OSC  
CASE NO.

STATE OF MICHIGAN  
JUDICIAL DISTRICT  
17TH JUDICIAL CIRCUIT  
COUNTY PROBATE

MOTION AND/OR ORDER TO  
SHOW CAUSE

Court address

80 OTTAWA AVE NW GRAND RAPIDS, MICHIGAN 49503

Court telephone no.

(616) 632-5020

Plaintiff(s)/Petitioner(s)

MR. STACEY R. SMITH (APPELLANT).

Defendant(s)/Respondent(s)/Probationer

JOHN R. BEASON (DEFENSE COUNSEL) P-34095.

☐ Probate ☐ Juvenile

In the matter of (BREACH OF PLEA AGREEMENT DATED: 07/22/2015). 17TH CIR.

MOTION AND AFFIDAVIT

I. I am interested in this matter as MOTION FOR RELIEF OF JUDGMENT, MCR 6.502, MCR 6.503, PLEA BREACH.

2. (DEFENSE COUNSEL)- JOHN R. BEASON. ☒ has failed to comply with an order dated 07/22/2015  
Name (type or print) ☒ is in contempt for BREACH OF 17TH CIRCUIT PLEA.

State with particularly admissible facts establishing this motion

BREACH OF 17TH CIRCUIT PLEA AGREEMENT 07/22/15 -ORDER VACATING CONVICTION/NEW DISPOSITION.

3. I request an order directing (DEFENSE COUNSEL) JOHN R. BEASON P-34095. to show cause why  
Name (type or print)

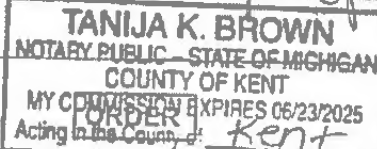
- ☒ a. he/she should not be found in ☒ civil ☐ criminal contempt of court.  
☒ b. judgment should not be entered against him/her (as surety/agent) for the full amount of recognizance.  
☐ c. judgment should not be entered against him/her for failure to file a garnishee disclosure.

4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this motion and affidavit.

Subscribed and sworn to before me on 11/6/2020 Date Signature Kent County, Michigan.

My commission expires: 06/23/2025 Date Signature: Taniya K. Brown

Notary public, State of Michigan, County of



O: (DEFENSE COUNSEL) JOHN R. BEASON.  
(BREACH OF PLEA AGREEMENT) - Breach of Agreement  
set forth for (NON-PUBLISHED REGISTRATION) - S.O.R.A.  
AND, EXPARTE REQUEST FOR JUDICIAL REVIEW.

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

IS ORDERED:

You must appear before this court on 02/07/2020 at 2:00 PM at ☒ the court address above ☐ courtroom no.

☐ 180 OTTAWA AVE NW GRAND RAPIDS MICHIGAN 49503 (COURT ROOM OF HONORABLE J. JOSEPH ROSSI).

to show cause why

- ☒ you should not be held in ☐ civil ☒ criminal contempt  
☒ for failure to comply with the order of this court as follows:  
☒ for the reasons stated in the motion.

☐ a judgment should not be entered against you.

☒ your case should not be dismissed.

☒ other: MOTION TO TRANSFER TO CURE WANT OF JURISDICTION; U.S. DISTRICT JUDGE PAUL L. MALONEY.

Failure to appear for a contempt hearing may result in a bench warrant being issued for your arrest.

A copy of this must be served ☐ personally ☒ by mail on the person ordered to appear at least 21 days before the hearing.

1/07/2020

file

123B (5/13) MOTION AND/OR ORDER TO SHOW CAUSE

Judge

P-53941.

Bar no.

# PROOF OF SERVICE

## MOTION AND/OR ORDER TO SHOW CAUSE

Case No. \_\_\_\_\_

**TO PROCESS SERVER:** You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

### CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

#### ☐ OFFICER CERTIFICATE

OR

#### ☐ AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☒ I served a copy of the motion and/or order to show cause by:

☒ personal service

☒ first-class mail

on:

Name(s)	Complete address(es) of service	Day, date, time
JOHN R. BEASON	LAW OFFICE OF ATTORNEY JOHN R. BEASON 15 IONIA NW GRAND RAPIDS, MICHIGAN 49503.	

☐ I have personally attempted to serve the motion and/or order to show cause on the following person(s) and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	<div style="border: 1px solid black; padding: 2px; text-align: center;"> <p>NOTARY PUBLIC</p> <p>Signature: _____</p> <p>Name (type or print): _____</p> <p>Title: _____</p> </div>
\$		\$	
Incorrect address fee	Miles traveled	Fee	
\$		\$	
TOTAL FEE			
\$			

Subscribed and sworn to before me on \_\_\_\_\_ Date \_\_\_\_\_ County, Michigan.

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Signature: \_\_\_\_\_ Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

### ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of this motion and/or order to show cause on \_\_\_\_\_ Day, date, time

\_\_\_\_\_ on behalf of \_\_\_\_\_ Signature

For use by the court clerk only when the show cause proceeding is initiated by the court.

### CERTIFICATE OF MAILING

I certify that on this date a copy of this motion and/or order to show cause was served on the person ordered to appear by first-class mail addressed to his or her last-known address as defined by MCR 2.107(C)(3).

\_\_\_\_\_ Date

\_\_\_\_\_ Signature